

**Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and	)	WC Docket No. 11-42
Modernization	)	
	)	
Telecommunications Carriers Eligible for	)	WC Docket No. 09-197
Universal Service Support	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	

**RESPONSE OF THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF  
COLUMBIA TO THE UNITED STATES TELECOM ASSOCIATION PETITION FOR  
WAIVER OF LIFELINE ELIGIBILITY RULES**

Pursuant to the Public Notice issued October 6, 2016,<sup>1</sup> the Public Service Commission of the District of Columbia (DC PSC) responds to the United States Telecom Association's (USTelecom) Petition for Waiver of the revised rules 54.400(j) and 54.409(a).<sup>2</sup> The DC PSC is fully committed to completing its regulatory proceedings to amend the DC PSC universal service rules to comply with the new eligibility criteria established by the *Lifeline Modernization Order*<sup>3</sup> by December 2, 2016. Thus, no waiver of the implementation date for the District of Columbia will be necessary.

**I. Introduction and Background**

On April 27, 2016, the Federal Communications Commission (Commission) released the text of the *Lifeline Modernization Order*, which reformed the federal Lifeline service program in myriad ways. Many of these changes affect the jurisdictions that provide additional Lifeline

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<sup>1</sup> Public Notice, WC Docket No. 11-42 et al (October 6, 2016).

<sup>2</sup> Petition of USTelecom for Waiver of Lifeline Eligibility Rules, WC Docket No. 11-45 et al (filed October 3, 2016).

<sup>3</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund*, WC Docket Nos. 11-42 et al, Third Report and Order, Further Report and Order and Order on Reconsideration ("Lifeline Modernization Order"), rel. April 27, 2016.

support to customers, such as the District of Columbia. For these jurisdictions, state commissions, among others, will need to amend their Lifeline service programs to make them consistent with the federal Lifeline program and the new rules.

The *Lifeline Modernization Order* established staggered effective dates, depending on the Commission rule. Of particular relevance here is the implementation date of December 2, 2016 for the Commission's new eligibility criteria in sections 54.400(j) and 54.409(a). The USTelecom Petition generally asserts that the District of Columbia, among others, will need to revise its Lifeline statutes and/or rules in order to make its eligibility criteria consistent with the Commission's and will not be able to make these changes by December 2, 2016. These assertions require a response from the DC PSC.

## **II. The DC PSC's Lifeline Service Program**

Pursuant to District of Columbia statutory authority,<sup>4</sup> the DC PSC has established its own District of Columbia Universal Service Trust Fund (DC USTF) to provide funding for Lifeline service in addition to federal Lifeline funding. Because the DC PSC has no authority over wireless carriers,<sup>5</sup> the additional funding is limited to wireline Lifeline service only. The eligibility criteria for wireline Lifeline service in the District of Columbia has differed slightly from the Commission's criteria, as was permitted until the new rules become effective on December 2, 2016. The DC PSC codified its eligibility criteria in its universal service rules, so that customers who participated in one of the seven federal programs or had an income below the higher of the income level established for the federal Low Income Home Energy Assistance

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<sup>4</sup> D.C. Code § 34-2003 (2016 Supp.).

<sup>5</sup> D.C. Code § 34-2006(b) (2001).

Program or 150% of the federal poverty level were eligible for Lifeline service.<sup>6</sup>


The DC PSC is aware that the District of Columbia may no longer have eligibility criteria that are different from the federal Lifeline eligibility criteria. In order to make the eligibility criteria consistent, the DC PSC commenced a rulemaking proceeding on September 2, 2016, proposing to amend its rules so that the only eligibility criteria for Lifeline service in the District of Columbia are the federal criteria.<sup>7</sup> Comments were due on October 17, 2016, while reply comments are due October 31, 2016.<sup>8</sup> The DC PSC expects that it will finalize this proceeding by December 2, 2016.

### III. Conclusion

Because the DC PSC expects to have its rulemaking proceeding amending its universal service rules relating to Lifeline eligibility criteria completed by December 2, 2016, the DC PSC is in no need of additional time to implement the new eligibility criteria. Should unanticipated events prevent the DC PSC from amending its rules by December 2, 2016, the DC PSC will inform the Commission of this fact.

Respectfully submitted,

**PUBLIC SERVICE COMMISSION  
of the DISTRICT OF COLUMBIA**

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<sup>6</sup> 15 DCMR § 2820.2 (2012).

<sup>7</sup> 63 D.C. Reg. 11181 (September 2, 2016).

<sup>8</sup> One set of comments was filed, from the Office of the People's Counsel of the District of Columbia (DC OPC). See, RM28-2016-01, *In the Matter of the Commission's Rules Governing Universal Service*, Initial Comments of the Office of the People's Counsel for the District of Columbia ("OPC Comments"), filed October 17, 2016. DC OPC does not object to the amendments since they implement the *Lifeline Modernization Order*.

202-626-5100

Its Attorneys

October 21, 2016